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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 581 of 2005

Appellants	1.	Smt. Anita KapilSharma, widow of Harishchandra Kapil, aged about 45 years, Ocupation – House wife.
	2.	Ku. Alankrita D/o Late Harischandra Kapil, aged about 13 years.
	3.	Ayush S/o Harischandra Kapil, aged about 8 years. Applicant No. 2 and 3 are represented by legal Guardian applicant No.1, Smt. Anita Kapil. All are resident of Village – Kasaridih – Durg, Tahsil and District- Durg (C.G.).

Versus

Respondents	1.	Murat Singh S/o Hari Singh Dangi, Occupation- Truck Driver, R/o Bilaspur Transport Company, Hirapur, Ring Road No.2, Raipur, Tahsil and District- Raipur (C.G.).
	2.	Bhajan Singh, Occupation- Truck Owner, R/o H.R.C. Dewas Naka, Indore (M.P.)
	3.	The National Insurance Co. Ltd. Divisional Office, Indore, Division No.1, Dr. Sarju Prasad Marg, Gokul Das Agarwal Building Indore, Through: Divisional Manager, Divisional Office, Power House Bhilai, Tahsil and District- Durg (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. S. C. Verma, Advocate, for the appellants.

ORAL ORDER

(1st December 2005)

1. This is a claimants' appeal. The only contention of learned counsel for the appellants is that though it is satisfactorily proved that the gross income of the deceased was Rs. 6962/- per month, the Tribunal for the purpose of assessing loss of dependency took the income of the deceased as Rs. 5844/- per month, and therefore,

the order cannot be sustained. The contention of learned counsel is not acceptable to us. The M.A.C.T. while assessing loss of dependency can allow permissible deductions from the gross salary. This position is well settled by law. There is no merit in the appeal. The appeal is therefore dismissed.

Sd/-
Chief Justice
Judge

Sd/-
Satish K. Agnihotri
Judge

Thakur